

# EXECUTIVE JOURNAL.

[TWELFTH SESSION.]

*The Twelfth Session of the Senate of the United States, began  
December the 5th, 1796.*

FRIDAY, DECEMBER 9, 1796.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

*Gentlemen of the Senate:*

I nominate Robert Troup, of New York, to be District Judge for the United States, in the District of New York, vice John Lawrance, who has resigned.

Go. WASHINGTON,

UNITED STATES, 9th December, 1796.

The message was read.

*Ordered*, That it lie for consideration.

SATURDAY, DECEMBER 10, 1796.

The Senate proceeded to consider the message of the President of the United States, of the 9th instant, and the nomination therein contained, of

Robert Troup, of New York, to be District Judge for the United States in the District of New York, vice John Lawrance, who has resigned.

Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

FRIDAY, DECEMBER 16, 1796.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, December 15th, 1796.

*Gentlemen of the Senate:*

I nominate the following persons for promotions and appointments in the corps of Artillerists and Engineers.

Lieutenant George Demelar, to be Captain, vice Gamble, deceased, 20th August, 1795.

Lieutenant Joseph Elliott, to be Captain, vice Wadsworth, resigned, 19th July, 1796.

Andrew Marschalk, Lieutenant, vice Wail, declined, to take rank from 1st November, 1796.

Howell Cobb, Lieutenant, vice Monvel, resigned, to take rank from 1st November, 1796.

Joseph Campbell, Lieutenant, vice Harrison, deceased, to take rank from 1st November, 1796.

Richard Witley, Lieutenant, vice Hale, resigned.

Philip Landais, do. vice Demelar, promoted.

Philip Rodrique, do. vice Dalcho, resigned.

James Triplet, do. vice Cox, do.

Thomas I. Vandyke, do. vice Hardy, deceased.

Samuel T. Dyson, do. vice Van Allen, resigned.

George Ross, do. vice Elliott, promoted.

James Rand, do. vice Cudworth, deceased.

Robert Parkinson, do. vice Geddes, dismissed.

Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

#### MONDAY, DECEMBER 19, 1796.

The Senate proceeded to consider the message of the President of the United States, of the 15th instant, and the nominations therein contained of persons for promotions and appointments in the corps of Artillerists and Engineers. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations, respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

#### WEDNESDAY, DECEMBER 21, 1796.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *December 21st*, 1796.

*Gentlemen of the Senate*:

I nominate the following persons to fill the offices annexed to their names, respectively, which became vacant during the recess of the Senate:

William Kirby, of Virginia, to be Collector of the district of Hampton, and Inspector of the Revenue for the port of Hampton, vice Thomas Jones, resigned.

John Steele, of North Carolina, to be Comptroller of the Treasury, vice John Davis, resigned.

Jonathan Jackson, of Massachusetts, to be Supervisor for the district of Massachusetts, vice Nathaniel Gorham, deceased.

John Brooks, of Massachusetts, to be Inspector of Survey No. 2, in the district of Massachusetts, vice Jonathan Jackson, appointed Supervisor.

Samuel Bradford, of Massachusetts, to be Marshal for the district of Massachusetts, vice John Brooks, appointed Inspector of Survey No. 2, in that district.

John Davis, of Massachusetts, to be Attorney for the United States in the district of Massachusetts, vice Christopher Gore, appointed a Commissioner under the British treaty.

Daniel Davis, to be Attorney for the United States in the district of Maine, vice William Lithgow, resigned.

Joseph Clay, junior, of Georgia, to be District Judge of Georgia, vice Nathaniel Pendleton, resigned.

John Trotter, of South Carolina, to be Inspector of Survey No. 3, in the district of South Carolina, vice William Benson, deceased.

William Clark, to be Attorney for the United States in the district of Kentucky.

Rufus Putnam, of the Northwestern Territory, to be Surveyor General, vice Simeon De Witt, who declined that appointment.

Benjamin Bourne, of Rhode Island, to be District Judge of Rhode Island, vice Henry Marchant, deceased.

Henry William Lange, of Georgia, to be Surveyor for the district of Savannah, and Inspector of the Revenue for the port of Savannah, vice James Benjamin Maxwell, resigned.

Joseph Gilman, of the Northwestern Territory, to be one of the Judges of that Territory, vice Rufus Putnam, appointed Surveyor General.

James Rowland, of Virginia, to be Surveyor of Richmond and Manchester, and Inspector of the Revenue for the same, vice Zachariah Rowland, resigned.

Aquilla Giles, of New York, to be Marshal for the district of New York, the legal term of his former appointment having expired.

Samuel Williams, of Massachusetts, to be Consul of the United States at the port of Hamburg, and such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance, vice John Parish.

Charles Cotesworth Pinckney, of South Carolina, to be Minister Plenipotentiary of the United States to the Republic of France, vice James Monroe.

Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

THURSDAY, DECEMBER 22, 1796.

The Senate proceeded to consider the message of the President of the United States, of the 21st instant, and the nominations therein contained, of William Kirby and others, to offices. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively, except to that of Joseph Clay, Jr. and of Henry William Lange, postponed.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

MONDAY, DECEMBER 26, 1796.

The Senate resumed the consideration of the message of the President of the United States, of the 21st, and the nominations postponed on the 22d instant.

*Resolved*, That the consideration thereof be further postponed.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

*Gentlemen of the Senate:*

I nominate Nicholas Rousselet, of the State of New Hampshire, to be Consul for the United States of America, at the Colony of Essequibo and Demarara.

Go. WASHINGTON.

UNITED STATES, *December 26, 1796.*

The message was read.

*Ordered,* That it lie for consideration.

TUESDAY, DECEMBER 27, 1796.

The Senate proceeded to consider the message of the President of the United States, of the 26th instant, and the nomination therein contained, of Nicholas Rousselet, to be Consul for the United States at the Colony of Essequibo and Demarara. Whereupon,

*Resolved,* That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered,* That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of the 21st instant, and the nominations therein contained, of Joseph Clay, Jr., of Georgia, to be District Judge of Georgia, vice Nathaniel Pendleton, resigned. Whereupon,

*Resolved,* That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered,* That the Secretary lay this resolution before the President of the United States.

*Resolved,* That the consideration of the nomination of Henry William Lange be further postponed.

WEDNESDAY, DECEMBER 28, 1796.

The Senate resumed the consideration of the message of the President of the United States, of the 21st instant, and the nomination therein contained, of Henry William Lange, of Georgia, to be Surveyor for the District of Savannah, and Inspector of the Revenue for the port of Savannah, vice James Benjamin Maxwell, resigned.

And, after debate, the further consideration thereof was postponed until to-morrow.

THURSDAY, DECEMBER 29, 1796.

The Senate resumed the consideration of the nomination of Henry William Lange, of Georgia, to be Surveyor for the District of Savannah, and Inspector of the Revenue for the port of Savannah, vice James Benjamin Maxwell, resigned; and,

On the question to advise and consent to his appointment, it passed in the negative.

*Ordered,* That the Secretary lay this proceeding before the President of the United States.



FRIDAY, DECEMBER 30, 1796.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *December 30th*, 1796.*Gentlemen of the Senate:*

I nominate Charles Marsh, of Vermont, to be Attorney for the United States, in the District of Vermont, vice Amos Marsh, resigned; and

Joseph Cloud, of the State of Delaware, to be Melter and Refiner at the Mint of the United States.

Go. WASHINGTON.

The message was read.

On motion, it was agreed so far to dispense with the rule, that the Senate proceed to the consideration of that part of the message of the President of the United States, of this day, and the nomination therein contained, of Charles Marsh, of Vermont, to be Attorney for the United States in the District of Vermont, vice Amos Marsh, resigned. Whereupon,

*Resolved*, That they do advise and consent to his appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

MONDAY, JANUARY 2, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 30th of December last, and the nomination therein contained, of

Joseph Cloud, of the State of Delaware, to be Melter and Refiner at the Mint of the United States.

Whereupon

*Resolved*, That they do advise and consent to his appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, JANUARY 4, 1797.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *January 4th*, 1797.*Gentlemen of the Senate:*

I lay before you, for your consideration, a treaty which has been negotiated and concluded on the twenty-ninth day of June last, by Benjamin Hawkins, Andrew Pickens, and George Clymer, Commissioners on behalf of the United States, with the Creek Indians, together with the instructions which were given to the said Commissioners, and the proceedings at the place of treaty.

I submit, also, the proceedings and result of a treaty held at the city of New York, on behalf of the State of New York, with certain nations or tribes of Indians denominating themselves the Seven Nations of Canada.

Go. WASHINGTON.

The message and part of the papers therein referred to were read.

*Ordered*, That the further reading thereof be postponed.

## THURSDAY, JANUARY 5, 1797.

The reading of the papers referred to in the message of the President of the United States, of the 4th instant, was resumed; and, after progress,  
*Ordered*, That the further reading thereof be postponed.

## FRIDAY, JANUARY 6, 1797.

The reading of the papers referred to in the message of the President of the United States, of the 4th instant, was resumed; and, after progress,  
*Ordered*, That the further reading thereof be postponed.

## MONDAY, JANUARY 9, 1797.

The following written confidential message was received from the President of the United States, by Mr. Craik, his Secretary:

*Gentlemen of the Senate, and of the House of Representatives:*

Herewith I lay before you, in confidence, reports from the Departments of State and the Treasury, by which you will see the present situation of our affairs with the Dey and Regency of Algiers.

Go. WASHINGTON.

UNITED STATES, *January 9, 1797*

The message and papers therein referred to were read.  
*Ordered*, That they lie for consideration.

## TUESDAY, JANUARY 10, 1797.

The papers referred to in the message of the President of the United States, of the 4th instant, were read.

*Ordered*, That they lie for consideration.

## WEDNESDAY, JANUARY 11, 1797.

The Senate took into consideration the treaty made on behalf of the United States with the Creek nation of Indians; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

The Senate took into consideration the treaty made on behalf of the State of New York, with certain tribes of Indians denominating themselves the Seven Nations of Canada; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

On motion,

*Ordered*, That Mr. Marshall, Mr. Goodhue, and Mr. Tichenor, be a committee to take into consideration the message of the President of the United States, of the 9th instant, relative to affairs with the Dey and Regency of Algiers, and to report thereon to the Senate.

## MONDAY, JANUARY 16, 1797.

Mr. Marshall reported, from the committee appointed the 11th instant, on the message of the President of the United States, respecting the affairs of the United States with the Dey and Regency of Algiers; and the report being read,

*Ordered*, That it lie for consideration.

On motion,

*Ordered*, That the treaty made with the southern Indians at Colerain, the 29th of June last, by Benjamin Hawkins and others, Commissioners on behalf of the United States, be referred to Mr. Read, Mr. Sedgwick, and Mr. Ross, to consider and report thereon to the Senate.

The Senate resumed the consideration of the treaty made on behalf of the State of New York, with certain tribes of Indians, denominating themselves the Seven Nations of Canada.

And on the question to advise and consent to the ratification of the aforementioned treaty,

It passed in the affirmative, { Yeas, . . . . . 24,  
Nay, . . . . . 1.

The yeas and nays being required by one fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bloodworth, Blount, Bradford, Brown, Burr, Cocke, Foster, Goodhue, Henry, Hillhouse, Howard, Langdon, Lawrance, Livermore, Marshall, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tazewell, Tichenor, and Tracey.

Mr. Mason voted in the negative.

So it was

*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do consent to and advise the ratification of the treaty made at the city of New York, on the thirty-first day of May, one thousand seven hundred and ninety-six, with the nations or tribes of Indians denominating themselves the Seven Nations of Canada.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

#### THURSDAY, JANUARY 19, 1797.

The Senate proceeded to consider the report of the committee on the message of the President of the United States, of the 9th instant, on the affairs of the United States with the Dey and Regency of Algiers; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *January 19th*, 1797.

*Gentlemen of the Senate:*

I nominate Benjamin Hawkins, Andrew Pickens, and James Winchester, to be Commissioners for the ascertaining and marking the boundary lines, agreeably to the treaties between the United States and the Indian nations.

Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

*Gentlemen of the Senate, and of the House of Representatives:*

At the opening of the present session of Congress, I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France; that our trade had suffered, and was suffering extensive injuries in the West Indies, from the cruisers and agents of the French Republic; and

that communications had been received from its Minister here, which indicated danger of a further disturbance of our commerce by its authority, and that were, in other respects, far from agreeable; but that I reserved for a special message, a more particular communication on this interesting subject. This communication I now make.

The complaints of the French Minister embraced most of the transactions of our government, in relation to France, from an early period of the present war; which, therefore, it was necessary carefully to review. A collection has been formed of letters and papers relating to those transactions, which I now lay before you, with a letter to Mr. Pinckney, our Minister at Paris, containing an examination of the notes of the French Minister, and such information as I thought might be useful to Mr. Pinckney, in any further representations he might find necessary to be made to the French government. The immediate object of his mission was to make to that government such explanations of the principles and conduct of our own, as, by manifesting our good faith, might remove all jealousy and discontent, and maintain that harmony and good understanding with the French Republic, which it has been my constant solicitude to preserve. A government which required only a knowledge of the *truth*, to justify its measures, could not but be anxious to have this fully and frankly displayed.

Go. WASHINGTON.

UNITED STATES, *January 19th*, 1797.

The message and papers were in part read.

*Ordered*, That the further reading thereof be postponed.

FRIDAY, JANUARY 20, 1797.

The Senate resumed the reading of the papers communicated with the message of the President of the United States, of the 19th instant; and the reading thereof being finished—

On motion, that the Secretary of the Senate be directed to *authorize any printer in the city of Philadelphia to publish a correct copy* of the message of the President of the United States, of the 19th of January, 1797, together with the letter therein referred to, addressed to the Minister of the United States to the French Republic:

A motion was made to insert the words, “have printed in the form of a pamphlet, two hundred and fifty copies,” in place of the words “authorize any printer in the city of Philadelphia to publish a correct copy.”

And, on motion to agree to the amendment, it passed in the negative.

On the question to agree to the original, it passed in the negative.

On motion,

*Ordered*, That the Secretary of the Senate have printed for the use of the members, three hundred copies of the message of the President of the United States, of the 19th instant, together with a copy of the letter from the Secretary for the Department of State to the Minister Plenipotentiary of the United States to the Republic of France, dated January 16, 1797.

MONDAY, JANUARY 23, 1797.

Mr. Read reported from the committee appointed to consider the treaty made on behalf of the United States with the Creek Indians; which was read.

*Ordered*, That it lie on the table.

## WEDNESDAY, JANUARY 25, 1797.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *January 25th*, 1797.

*Gentlemen of the Senate:*

I nominate David Russell, of the State of Vermont, to be Collector of South Hero, in the District of Vermont, vice Stephen Keyes, superseded.  
Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

## THURSDAY, JANUARY 26, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 25th instant, and the nomination therein contained, of David Russell, of the State of Vermont, to be Collector of South Hero, in the District of Vermont, vice Stephen Keyes, superseded. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

## FRIDAY, JANUARY 27, 1797.

The Senate proceeded to consider the report of the Committee on the message of the President of the United States, of the 9th of January, 1797, on the affairs of the United States with the Dey and Regency of Algiers; and, after debate,

*Ordered*, That the further consideration thereof be postponed until Monday next.

*Ordered*, That the second Tuesday in February next, be assigned for taking into consideration the report of the committee on the treaty made on behalf of the United States, with the Creek Indians.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

*Gentlemen of the Senate:*

I nominate Enoch Sawyer, of North Carolina, to be Inspector of the Revenue for the port of Plankbridge, on Sawyer's Creek, in North Carolina.

Frederick B. Sawyer, of North Carolina, to be Inspector of the Revenue for the port of Newbiggen Creek, in North Carolina.

Levy Blount, of North Carolina, to be Inspector of the Revenue for the port of Plymouth, in North Carolina.

Go. WASHINGTON.

UNITED STATES, *January 27*, 1797.

The message was read.

*Ordered*, That it lie for consideration.

## MONDAY, JANUARY 30, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 27th instant, and the nominations therein contained, of

Enoch Sawyer, of North Carolina, to be Inspector of the Revenue for the port of Plankbridge, on Sawyer's Creek, in North Carolina.

Frederick B. Sawyer, of North Carolina, to be Inspector of the Revenue for the port of Newbiggen Creek, in North Carolina.

Levy Blount, of North Carolina, to be Inspector of the Revenue for the port of Plymouth, in North Carolina.

Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the report of the committee on the message of the President of the United States, of the 9th January, 1797, on the affairs of the United States with the Dey and Regency of Algiers.

On motion to postpone the reports for the purpose of introducing the following resolution:

*Resolved*, That the Senate approve, and advise the President of the United States to ratify and carry into full execution, the promise made by Mr. Donaldson and Mr. Barlow, agents for the United States at Algiers, to the Dey of Algiers, to furnish to him a frigate of thirty-six guns, as a consideration to the Dey for restraining his corsairs from cruising against the ships and vessels of the United States, at a time when, by unavoidable accidents and impediments, the payment of the sums stipulated by the treaty with the Dey and Regency, of the——day of——to be paid by the United States to the Dey of Algiers, had been delayed and prevented, and the treaty thereby put in great jeopardy.

And, after debate, it was agreed to postpone the consideration of the subject.

TUESDAY, JANUARY 31, 1797.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *January 31st*, 1797.

*Gentlemen of the Senate:*

I nominate David Russell, of the State of Vermont, to be Inspector of South Hero, in the district of Vermont.

Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 19th instant, and the nominations therein contained, of Benjamin Hawkins, Andrew Pickens, and James Winchester, to be Commissioners for ascertaining and marking the boundary lines, agreeably to the treaties between the United States and the Indian nations. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the report of the Committee on the message of the President of the United States, of the 9th of January, 1797, on the affairs of the United States with the Dey and Regency of Algiers.

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FRIDAY, FEBRUARY 17, 1797.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *February 17th*, 1797.

*Gentlemen of the Senate:*

I nominate the following persons to fill the offices annexed to their respective names.

Morgan Brown, of the State of Tennessee, to be Collector for the District of Tennessee, and Inspector of the Revenue for the port of Palmyra.

John McNairy, of the State of Tennessee, to be Judge for the United States, in the district of Tennessee.

Thomas Gray, of the State of Tennessee, to be Attorney for the United States, in the district of Tennessee.

Robert Hays, of the State of Tennessee, to be Marshal of and for the District of Tennessee.

Richard Rogers, of New York, to be Naval Officer for the district of New York, vice Benjamin Walker, resigned.

Mathias E. Sawyer, of North Carolina, to be Surveyor for the port of Pasquotank River Bridge, in the district of Camden, and Inspector of the Revenue for the same port, vice Edmund Sawyer, deceased.

Elias Backman, a resident of Gottenburg, in Sweden, to be Consul for the United States at Gottenburg.

Isaac Cox Barnet, of New Jersey, now residing at Brest, to be Consul for the United States at the port of Brest.

Francis Childs, late of New York, now residing in Europe, to be Consul for the United States at Genoa.

Consul Frederick Wagner, to be Consul for the United States at Trieste.

William Henry Lange, of Georgia, (heretofore nominated by mistake Henry William Lange,) to be Surveyor for the district of Savannah, and Inspector of the Revenue for the port of Savannah, vice James Benjamin Maxwell, resigned,

Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

On motion,

*Ordered*, That Tuesday next be assigned for the further consideration of the report of the Committee on the treaty made on behalf of the United States with the Creek Indians.

MONDAY, FEBRUARY 20, 1797.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *February 20th*, 1797.

*Gentlemen of the Senate:*

In the nominations that were submitted to you on Friday, the 17th inst., the name of William Henry Lange, of Georgia, was inserted by mistake, contrary to my intention.

Go. WASHINGTON,

The message was read.

*Ordered*, That it lie on the table.

The Senate proceeded to consider the message of the President of the United States, of the 17th instant, and the nominations therein contained of Morgan Brown and others to offices. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively, except to those of Elias Backman, Francis Childs, and Conrad Frederick Wagner, postponed until to-morrow; and except, also, that of William Henry Lange, withdrawn.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

TUESDAY, FEBRUARY 21, 1797.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the treaty made on behalf of the United States with the Creek Indians.

On motion to amend the report, by striking out the proviso, as follows:

“Provided, and on condition that nothing in the third and fourth articles of the said treaty, expressed in the words following—(*here insert the articles*) shall be construed to affect any claim of the State of Georgia, to the right of pre-emption in the land therein set apart for military or trading posts; or after the Indian right to the lands adjoining thereto, shall have been legally extinguished by the State of Georgia, to give to the United States without the consent of the said State a right to the soil, or the exclusive legislation over the same.

And in lieu thereof insert:

“Except that part of the third article which is contained in the following words: “And the Indians do hereby annex to the post aforesaid, a tract of land of five miles square, bordering one side on the river, which post, and the lands annexed thereto, are hereby ceded to, and shall be to the use and under the government of the United States of America.” And also, except so much of the fourth article as is contained in the words following: “And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river, and the said lands shall be to the use and under the government of the United States of America. *Provided, always*, That whenever any of the trading or military posts mentioned in this treaty, shall, in the opinion of the President of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall revert to and become a part of the Indian lands.”

And, after debate,

*Ordered*, That the further consideration thereof be postponed.

MONDAY, FEBRUARY 27, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 17th instant, and the nominations therein contained, of Elias Backman, Francis Childs, and Conrad Frederick Wagner, to the offices therein mentioned.

Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *February 27th*, 1797.

*Gentlemen of the Senate:*

I nominate William Vans Murray, of Maryland, to be Minister resident of the United States of America, to the United Netherlands.

Allan McLean, of Delaware, to be Collector for the District of Delaware, and Inspector of the Revenue for the port of Wilmington.

John Gibbons, of Georgia, to be Surveyor for the port of Savannah, and Inspector of the Revenue for the same.

Go. WASHINGTON.

The message was read.

*Ordered*, That it lie for consideration.

WEDNESDAY, MARCH 1, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 27th of February last, and the nominations therein contained.

Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations, except to that of William Vans Murray, postponed, and that they do not advise and consent to the appointment of John Gibbons.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

THURSDAY, MARCH 2, 1797.

The Senate resumed the consideration of the message of the President of the United States, of the 27th of February last, and the nomination therein contained, of

William Vans Murray, of Maryland, to be Minister resident of the United States of America, to the United Netherlands. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The following written messages were received from the President of the United States, by Mr. Craik, his Secretary:

*Gentlemen of the Senate:*

I nominate Joel Barlow, of the State of Connecticut, to be Consul General of the United States of America, for the city and kingdom of Algiers.

John Gavino, to be Consul of the United States of America, for the port of Gibraltar, in the room of James Simpson, appointed Consul for Morocco.

Frederick Folger, of Maryland, to be Consul of the United States of America, for the port and district of Aux-Cayes, in the Island of St. Domingo.

Procopio Jacinto Pollock, of Pennsylvania, to be Consul of the United States of America, for the port of New Orleans.

Charles Jackson, to be District Attorney of the United States of America, for the State of Georgia.

David Lenox, of Pennsylvania, to be the Agent of the United States of America, to reside in the kingdom of Great Britain, pursuant to the act for the relief and protection of American seamen.

Go. WASHINGTON.

UNITED STATES, *March 2d*, 1797.

UNITED STATES, *March 2d*, 1797.

*Gentlemen of the Senate:*

Application having been made to me, to permit a treaty to be held with the Seneca nation of Indians, to effect the purchase of a parcel of their land under a pre-emption right derived from the State of Massachusetts, and situated within the State of New York, and it appearing to me reasonable that such opportunity should be afforded, provided the negotiation shall be conducted at the expense of the applicant, and at the desire and with the consent of the Indians; always considering these as prerequisites, I now nominate Isaac Smith, to be a Commissioner to hold a treaty with the Seneca nation, for the aforesaid purpose.

Go. WASHINGTON.

UNITED STATES, *March 2*, 1797.

*Gentlemen of the Senate:*

I nominate the following persons for promotions and appointments in the Army of the United States:

*Dragoons.*

James V. Ball, Lieutenant, vice Posey, resigned, 19th October, 1795.

Paul McDermot, do. vice Jones, do. 1st October, 1796.

*Corps of Artillerists and Engineers.*

William Steele, Surgeon's Mate, vice Rodes, deceased.

*Infantry.*

Daniel Bradley, Major in the 4th regiment, vice Roberts, deceased, 19th January, 1797.

Andrew McClary, Captain in the 2d regiment, vice Bradley, promoted, 19th January, 1797.

Charles Martin, Lieutenant in the 2d regiment, vice McClary, promoted, 19th January, 1797.

Larkin J. Dickinson, Ensign in the 4th regiment, vice Remington, resigned, to rank from 16th September, 1796.

George Gillaspay, Surgeon of the 2d regiment, vice Scott, resigned.

Go. WASHINGTON.

The messages were severally read.

*Ordered*, That they lie for consideration.

The Senate resumed the consideration of the report of the Committee on the treaty made on behalf of the United States with the Creek Indians; which report is as follows:

*Resolved*, (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States to ratify the treaty of peace and friendship, made and concluded at Colerain, in the State of Georgia, on the 29th of June, 1796, between the President of the United States of America, on the part and behalf of the said States, and the kings, chiefs, and warriors of the Creek nation of Indians, on the part of the said nation: Provided, and on condition that nothing in the third and fourth articles of the

said treaty, expressed in the words following—(*Here insert the articles,*) shall be construed to effect any claim of the State of Georgia, to the right of pre-emption in the land therein set apart for military or trading posts; or after the Indian right to the lands, adjoining thereto, shall have been legally extinguished by the State of Georgia, to give to the United States, without the consent of the said State, a right to the soil, or the exclusive legislation over the same.

And the motion made the 21st of February last, recurring, to wit: to amend the report by striking out the Proviso, for the purpose of inserting the following words in lieu thereof:

“Except that part of the third article which is contained in the following words: “And the Indians do hereby annex to the post aforesaid, a tract of land of five miles square, bordering one side on the river, which post and the lands annexed thereto, are hereby ceded to, and shall be to the use, and under the government, of the United States of America.” And also, except to so much of the fourth article as is contained in the following words: “And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use, and under the government of the United States of America. Provided, always, that whenever any of the trading or military posts mentioned in this treaty shall, in the opinion of the President of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall revert to, and become a part of the Indian lands.”

It was determined in the negative, { Yeas, . . . . . 9,  
Nays, . . . . . 22.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bloodworth, Blount, Brown, Burr, Gunn, Langdon, Mason, Tattnall, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cocke, Foster, Goodhue, Henry, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Martin, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

On motion to expunge the following words from the report: “After the Indian rights to the lands adjoining thereto shall have been legally extinguished by the State of Georgia;”

It passed in the negative.

On motion to expunge the latter part of the proviso, from the words “trading posts,” and substitute the following amendment, and agree to the ratification of the treaty thus amended:

“Or to give to the United States, without the consent of the said State, any right to the soil, or the exclusive legislation over the same, or any other right than that of establishing, maintaining, and exclusively governing military and trading posts within the Indian territory mentioned in the said articles, as long as the frontier of Georgia may require these establishments;”

It was determined in the affirmative, { Yeas, . . . . . 22,  
Nays, . . . . . 8.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Blount, Bradford, Brown, Burr, Foster, Goodhue, Henry, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Cocke, Gunn, Langdon, Martin, Mason, Tattnall, and Tazewell.

So it was

*Resolved*, (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States, to ratify the treaty of peace and friendship, made and concluded at Colerain, in the State of Georgia, on the 29th June, 1796, between the President of the United States of America, on the part and behalf of the said States, and the kings, chiefs, and warriors of the Creek nation of Indians, on the part of the said nation: *Provided, and on condition*, That nothing in the third and fourth articles of the said treaty, expressed in the words following—"Article third, The President of the United States of America shall have full powers, whenever he may deem it adviseable, to establish a trading or military post on the south side of the Altamaha, on the bluff, about one mile above Beard's Bluff, or any where from thence down the said river on the lands of the Indians; to garrison the same with any part of the military force of the United States, to protect the posts, and to prevent the violation of any of the provisions or regulations subsisting between the parties: And the Indians do hereby annex to the post aforesaid, a tract of land of five miles square, bordering one side on the river; which post, and the lands annexed thereto, are hereby ceded to, and shall be, to the use and under the government of the United States of America.

"Article fourth. As soon as the President of the United States has determined on the time and manner of running the line from the Currahee mountain to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same, a suitable number of persons, on their part, shall attend to see the same completed: And if the President should deem it proper then to fix on any place or places adjoining the river, and on the Indian lands, for military or trading posts, the Creeks who attend there will concur in fixing the same, according to the wishes of the President. And to each post, the Indians shall annex a tract of land of five miles square, bordering one side on the river; and the said lands shall be to the use and under the government of the United States of America. *Provided, always*, That whenever any of the trading or military posts mentioned in this treaty, shall, in the opinion of the President of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall revert to and become a part of the Indian lands;" shall be construed to affect any claim of the State of Georgia to the right of pre-emption in the land therein set apart for military or trading posts; or to give to the United States, without the consent of the said State, any right to the soil, or to the exclusive legislation over the same, or any other right than that of establishing, maintaining, and exclusively governing, military and trading posts within the Indian territory, mentioned in the said articles, as long as the frontier of Georgia may require these establishments.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

FRIDAY, MARCH 3, 1797.

The following written message was received from the President of the United States, by Mr. Craik, his Secretary:

UNITED STATES, *March 3d*, 1797.

*Gentlemen of the Senate:*

I nominate Anthony Walton White, of New Jersey, to be Surveyor for the port of New Brunswick, and Inspector of the Revenue for the same.

Go. WASHINGTON.

The message was read. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, of the 2d instant, and the nominations therein contained, of Joel Barlow and others, Isaac Smith, and James V. Ball and others.

Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. Martin, that it be

*Resolved*, That the President of the United States be requested to cause a treaty or treaties to be held, as speedily as may be, with such Indian tribes as may have claims to certain western lands, ceded by the State of North Carolina to the United States, for the purpose of obtaining an extinguishment of their claims to so much thereof as lie to the north and east of the river Tennessee, within the State of Tennessee;

It was determined in the negative, { Yeas, . . . . . 8,  
Nays, . . . . . 18.

The yeas and nays being required by one-fifth of the Senators present, Those who voted in the affirmative, are—Messrs. Bloodworth, Blount, Burr, Cocke, Martin, Mason, Tattnall, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Brown, Goodhue, Henry, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Paine, Read, Ross, Rutherford, Sedgwick, Tichenor, and Vining.

Attest:

SAM: A. OTIS, *Secretary*.

END OF THE TWELFTH SESSION.